

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5442 OF 2005

Smt. Champabai Jadhav ..Petitioner.

Versus

The Divisional Joint Registrar,

Co-op.Societies & Ors. ..Respondents.

WITH

WRIT PETITION NO. 5443 OF 2005

Saibai Sakpal (since deceased)

through Madhukar Sakpal ..Petitioner.

v/s.

The Divisional Joint Registrar,

Co-op.Societies & Ors. ..Respondents.

WITH

WRIT PETITION NO. 5444 OF 2005

Sunanda Chikane ..Petitioner.

v/s.

The Divisional Joint Registrar,

Co-op.Societies & Ors. ..Respondents.

WITH
WRIT PETITION NO. 5445 OF 2005

Vilshnu Shinde ..Petitioner.

v/s.

The Divn.Joint Registrar Co-op. ..Respondents.
Societies & Ors.

WITH
WRIT PETITION NO. 5446 OF 2005

Draupadibai Dhanawade ..Petitioner.

v/s.

The Divn.Joint Registrar Co-op. ..Respondents.
Societies & Ors.

Mr. Saikumar Ramamurthy for the Petitioner in all the petitions.

Mr. N.N.Bhadrashete for the Respondents in all the petitions.

CORAM : S. A. BOBDE, J.
DATED : 24TH AUGUST, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Bhadrashete waives service of rule for
Respondents in all the petitions.

Heard by consent.

2. These petitions are arising out of a common order, impugned in all the petitions and therefore, they are being disposed of by this common order.

3. The petitioner has challenged order dated 20th June, 2005, rejecting his revision application for not having deposited 50% of the recoverable dues, as required by section 154 (2A) of the Maharashtra Co-operative Societies Act, 1960.

4. Mr. Ramamurthy, the learned counsel for the petitioner(s) submits that the petitioner(s) is not liable to deposit 50% of the recoverable dues under the certificate under section 101, since the amount mentioned in the certificate as recoverable from the petitioner i.e. Rs.54,920/-, is not actually recoverable. The learned counsel therefore, contends that 50% of the recoverable dues must mean the amount shown as recoverable by the society in the statement of accounts furnished to the Assistant Registrar. I find no merit in this contention. It is clear, on the plain reading of section 154 (2A) that recoverable dues are those which are certified in the certificate by the Asst. Registrar under section 101 of the Co-operative Societies Act. The section has been held

to be mandatory by this court in the Kausalya Sampat
vs. Vasant Sahakari Bank Ltd., reported in 2004(4)
Mh. L.J. 795.

5. There is no merit in these petitions. Rule in
all the petitions, is therefore, discharged.

DT.24.08.05

(S.A.BOBDE, J)

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